

### REMARKS

Claim 1-20 are pending in the application. Claims 1, 2, 4, 5, 7-9, 11-12, 14-16 and 18-20 have been rejected under 35 USC section 102. According to the Examiner, these claims are anticipated by Nakamura (U.S. Patent # 5,758,296) as Nakamura clearly shows and discloses a band edge amplitude reduction system for a mobile telephone receiver and a method of receiving signals comprising:

By means of a filter selector 30 (processing circuitry) (figure 1), changing filtering characteristics of a variable filter 20 (figure 1) on a main signal path (i.e., IF signal path) as a function of at least one amplitude in an adjacent band (adjacent channel amplitude (signals not under control of the receiver) in figure 6) relative to a frequency band of operation of said main signal path (abstract, figures 1 and 6, column 2 lines 5-23, and column 4 lines 5-23). The Examiner goes on to further state that limitations appearing in claims 2, 4, 9, 16 and 18 also are disclosed in Nakamura.

In view of the amendments made to independent claims 1, 8 and 15 key distinctions between Nakamura and applicants' claimed invention exist. Applicants' invention uses a separate path (18) to process signals outside the frequency band of operation of the main signal path (40) where both the separate path and the main signal path have the same frequency band of operation. In fact, the separate path (18) is a replica of the main signal path 40 obtained via coupler 42. That is, the signals appearing on path 40 also appear on path 18; thus both paths have the same frequency spectrum. Signals that are outside the frequency band of operation are signals that are not processed by receiver 10 and thus are not under the control of receiver 10. Two key distinctions between applicants' claimed invention and Nakamura are (1) no separate path is used to process signal amplitudes in Nakamura and (2) in applicants' claimed invention, the processed signal amplitudes are not under the control of the receiver; that is they are signals outside of the frequency band of operation of the receiver. As already admitted by the Examiner and asserted in the specification of applicants' invention, a signal that is outside the frequency band of operation of a receiver is not under the control of that

receiver; see specification page 7, line 27 to page 8, line 2. The receiver in Nakamura only processes in band signals; it does not process out of band signals to determine how to change filter characteristics.

Claim 6 has been cancelled and the objections to claims 3, 4, 6, 10, 11, 13, 17 and 18 have been addressed. Additionally claims 4, 11 and 9 have been further amended to address the Examiner's rejection under 35 USC 112. A new set of corrected formal drawings will be submitted upon receipt of a Notice of Allowance. In view of the above discussion, applicants believe that claims 1-5 and 7-20 are now in condition for allowance.

**Request for Reconsideration pursuant to 37 CFR 1.111**

Having responded to each and every ground for objection and rejection in the Office Action mailed on August 27, 2003, applicants request reconsideration in the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow claim(s) 1-6 and 7-20 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact applicants' counsel who can be reached at the telephone number listed below.

Respectfully,

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